

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR  
AND INDUSTRIAL RELATIONS,

Complainant,

v.

A.J. CONSTRUCTION, INC.,

Respondent.

CASE NO. OSH 2007-8

ORDER NO. 243

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board ("Board") on April 26, 2007, and attended by Robyn M. Kuwabe, Deputy Attorney General, for Complainant, and Elma Pacleb, Safety Coordinator, for Respondent, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:
  - A. Whether Respondent violated 29 CFR 1926.501(b)(13) as alleged in Citation 1, Item 1, because "[o]ne foreman and two carpenters were observed walking and working on a residential roof that was 16 feet above the ground. The employees were not using their fall protection system, thus the employees were exposed to a potential fall hazard. A fall to a lower level exposes the employees to potential serious injuries or death."
  - B. Whether the characterization of the of the violation as "Serious" and "Repeat" is appropriate.
  - C. Whether the penalty of \$5,000.00 is appropriate.
2. The deadline for the parties' final naming of witnesses is **June 5, 2007**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with the witnesses' addresses, to the other party and to the

Board by this date. The original and four copies shall be filed with the Board with a certificate of service indicating that the opposing party was served.

3. The discovery cutoff date is **June 25, 2007**. All other discovery, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **July 26, 2007, at 9:30 a.m.**, or as soon thereafter as this case can be heard, in the Board's hearing room located at **Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813**. The trial will continue from day-to-day until completed.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, May 1, 2007.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
EMORY J. SPRINGER, Member

  
SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:  
Robyn M. Kuwabe, Deputy Attorney General  
Elma Pacleb